

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.581 of 2022

Arising Out of PS. Case No.-299 Year-2021 Thana- PUPRI District- Sitamarhi

Sunil Kumar Pandey S/o Sri Gopal Krishna Pandey R/o Village- Chowar,
P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Pupri
P.S. Case No.299 of 2021, registered for the offences
punishable under Sections 419, 420, 467, 468, 471, 120(B)
of the Indian Penal Code and Section 66(c), 66(e) of the IT
Act corresponding to GR No. 1335 of 2021.

The prosecution case as emerges from the FIR is
that on 31.08.2021, when the informant went to an ATM
for withdrawing money, two persons, who were already
present inside, snatched his card and tried to swipe the
card. Further, when the informant asked for his card, they



abused him and tried to flee away. Thereafter, the accused- persons were caught and identified as Sunil Kumar Pandey (petitioner herein) and Bade Kumar and on being searched, four ATM cards of different banks was recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the main accused, Bade Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 20.07.2022, passed in Cr. Misc. No. 15451 of 2022. He also submits that the case of the present petitioner stands at better footing because no alleged ATM card of the informant has been recovered from the petitioner.

He further submits that the petitioner has been languishing in jail since 01.09.2021.

It has also been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved earlier before this Court for grant of anticipatory bail or regular bail.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No.299 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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